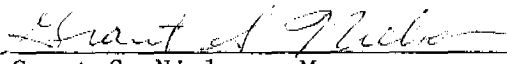


Page 3

to open meeting. Council Member Hansen so MOVED. The motion was SECONDED by Council Member Bird. The closed session adjourned at 11:15 p.m.


Grant S. Nielson, Mayor


Dorothy Jeffery, City Recorder

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 25, 1982

PRESENT:

Grant S. Nielson	Mayor and Presiding
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT

None

OTHERS PRESENT:

Neil Forster	Public Works Superintendent
Ray Valdez	City Building Inspector
John Quick	City Engineer
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder

Stanley Robison	Dennis Broderick
Glen Swalberg	Michael Broderick
Phyllis Munster	Cindy Nielsen
Leland J. Roper	John Wiser
Roy Wood	Gil Trujillo
Bryant Jones	Pat Davies
Jim Robson	John Pratt
Dale Roper	Josephine Pratt
Ray Taylor	Margie J. Moody
_____ Samson	Cathy Robison

There were others in attendance at the meeting that did not sign the roster.

Mayor Nielson, being present, called the meeting to order at 7:00 p.m.
Dorothy Jeffery, being present, acted as secretary.

The Mayor stated the meeting was a regularly called meeting and that notice of the time, place and agenda of the meeting had been posted at the principal

AAG923

office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by mailing copies of the Notice and Agenda two (2) days before the meeting to each of them.

MINUTES OF PREVIOUS MEETING

There were no minutes approved at the meeting. They were directed to be presented at the Delta City Council Meeting scheduled for February 1, 1982.

DENNIS WESTWOOD-DISCUSSION REGARDING AN ANIMAL CONTROL OFFICER FOR DELTA CITY

Mr. Westwood stated he felt Delta City has a problem with a large number of dogs running loose within the city limits and proposed that the council appoint an animal control officer to administer the animal control ordinance. Mr. Westwood then discussed with the council the present Delta City Ordinance pertaining to this matter and possible ways for enforcement of said ordinance. Mr. Westwood proposed \$300.00 per month be paid to him as an Animal Control Officer and Pound Master, plus mileage at .20 per mile and requested that the dogs that were picked up would be kept at this place of residence in the county. He also suggested he be allowed to sell dog tags for Delta City.

After further discussion of the issue, Mayor Nielson recommended Mr. Westwood prepare his proposal in a written form and present it to the council for their review prior to any action being taken. The council agreed. Mayor Nielson directed that the item be placed on the agenda for the February 1, 1982 regularly scheduled city council meeting.

RAY TAYLOR - REQUEST FOR A ZONE CHANGE FROM R-2 TO R-3A AT 250 WEST 400 SOUTH

Mayor Nielson read a letter from the Planning and Zoning Commission recommending the council approve Mr. Ray Taylor's request for a zone change from R-2 to R-3A at 250 West 400 South, allowing him to build multiple-dwelling units. The letter is on file in the city office.

The Mayor then asked the City Recorder to read a letter of protest from the residents in the heneral area of the proposed zone change. The following reasons were stated in the letter:

1. The proposed change would require the council to do a spot zone change from R-2 to R-3B; they do not favor spot zoning and they felt spot zoning would make the present Delta City Zoning Ordinance completely ineffective.
2. They had purchased their homes in that area because it was zoned for single family units.
3. The increased traffic from the multiple units would create a traffic hazard for the children in that area.

The above letter is on file in the office of the city recorder.

A plat of the project was displayed for the council's review. Mr. Samson, Mr. Taylor's partner in the project, explained the plan in detail.

Council Member Bird stated he was concerned about the availability of sewer services in that area for multiple dwellings.

Page 3

John Quick, Delta City Engineer, was asked to give an opinion on the sewer service at the present time in that area; one being the Evans Taggart project for a 50 unit mobile home park the other is a 71 unit trailer park; which brings the system up to its capacity at lift station A. Mr. Quick further stated it would be several months before additional sewer mains will be available at that location.

Mayor Nielson entertained a motion for direction from the council regarding the request. Council Member Hansen MOVED the Ray Taylor request to change the zone from R-2 to R-3A at 250 West 400 South be denied at the present time. The motion was SECONDED by Council Member Bird. Mayor Nielson asked if there were any further comments regarding the issue, there being none, Mayor Nielson called for a roll call vote on the pending motion. Voting was as follows:

Council Member Max Bennett	Nay
Council Member Don Bird	Yea
Council Member Ruth Hansen	Yea
Council Member Willis Morrison	Yea

REPORT FROM POLICE CHIEF ROY WOOD REGARDING THE REQUEST RECEIVED FROM THE CELLAR CLUB FOR A CLASS "C" BEER LICENSE

Police Chief, Roy Wood explained to the council he had been instructed to research a request for a Class "C" Beer License received from the Cellar Club located at 350 West 100 South. In investigating the matter it was found that the Cellar Club was located just 501 feet from a church. Delta City Ordinance #81-31 Section 9-432 (B) clearly states that no license can be issued for the sale of intoxicating beverage within 600 feet from any church or school and/or church or school grounds. For this reason, Chief Wood recommended the council deny the request. Council Member Morrison MOVED the request received from the Cellar Club for a Class "C" Beer License be denied for the reasons that they do not meet the requirements of the city ordinance pertaining to the sale of intoxicating beverages. The motion was SECONDED by Council Member Hansen and received the unanimous affirmative vote of all council members present.

Mayor Nielson told council there was a citizens group in attendance at the meeting that have requested to be heard regarding the dances presently being held each week at the Cellar Club.

Mr. Dwight Moody, spokesman for the group stated the residents living within the area of the club wanted to protest the weekly dances now being held for the following reasons:

1. The loud noise from the hall and the parking lot kept the residents up until all hours of the night.
2. The club was located in a residential area and not a business district.
3. There are cars parked all along the street and in the alley during dances at that location.

Mr. Moody stated he knew there was a need for a business such as the club in question however, he felt it should be located in an area other than a residential area.

Phyllis Munster explained that the club is in the process of making a parking lot in the rear of the building and this should eliminate some of the noise of

AAG923

of the cars leaving after the dance.

Mrs. Munster asked the council if there was a possibility of the club getting a private club license so they could continue the dances.

Mayor Nielson asked Warren Peterson, the City Attorney, to respond to that question.

Mr. Peterson stated that the question involved several complexities, any of which could affect the status of such a club. He explained restrictions in the Delta City zoning ordinance relating to businesses operating as a club, Utah Liquor Control Commission regulations and Utah statutes relating to private clubs. He stated his opinion that the Cellar Club could not operate as a private club without complying with the state statutory regulations affecting private clubs. He also cited the 600 foot restriction of the present city ordinance as a reason to deny any license to sell intoxicants. He stated that the club could not be operated at that location as a business involving sale of intoxicants or other business activity due to the zoning restrictions and the 600 foot limitation.

Following further discussion of the matter, Mrs. Munster asked if the Betah Rebekah Lodge #47 could hold a dance as they have done for the past 35 years? Mr. Peterson responded that the lodge could conduct dances as they had in the past, provided that the ordinances relating to liquor consumption were observed. He explained that any such organization sponsoring dances must observe the same regulations, unless they were licensed for such activity.

Mayor Nielson questioned whether the city council meeting schedule must be published by February 1, 1982. Attorney Peterson explained the meeting schedule had been established by ordinance several weeks ago and had been published in the local papers at that time.

BOARD OF ADJUSTMENT APPOINTMENT

Council Member Don Dafoe informed the council that Bruce Taylor was acting as the Planning and Zoning Representative on the Board of Adjustment. Council Member Dafoe stated he was not aware of his responsibility to the Board of Adjustment regarding the replacement of Mrs. Ruth Ashby as a member to the board. After a brief discussion regarding the matter Council Member Morrison MOVED the appointment be tabled for this week thus allowing Council Member Dafoe time to review the matter. The motion was SECONDED by Council Member Bird. Motion carried.

DENNIS BRODRICK - DISCUSSION REGARDING THE CONSTRUCTION OF THE SOUTH ELEMENTARY SCHOOL

Mr. Dennis Brodrick explained that his firm has been awarded the bid for the construction of the South Elementary School and he was in attendance at the meeting to request that the city expedite the annexation of the school property so he could obtain the necessary building permits.

Mr. Brodrick also asked whether the sewer services would be in place by 1983 so they could connect the school at that time. John Quick stated the plans were to have the sewer in place at that location by November of 1982.

Mr. Brodrick requested council approval to allow him to place a travel trailer on the school property to be used as an office for his construction company during the construction of the school.

It was explained to Mr. Brodrick that the property was still located in the jurisdiction of Millard County and as such the council could only grant con-

sent to the county for the placement of an office trailer for Brodrick and Howell Construction Company. Council Member Bennett MOVED the consent be granted council approval. The motion was SECONDED by Council Member Bird and received the unanimous affirmative vote of all council members.

OTHER BUSINESS DISCUSSED

1. Mayor Nielson told the council he had received a letter regarding the Delta City franchise for Acton Cable T.V. The letter was from American Security Bank requesting a letter from Delta City stating said contract is still in force and that there are no proceedings at the present time against Acton Cable T.V. Attorney Peterson recommended that the letter be rewritten to limit the statement to action initiated by or directly involving Delta City.

Council discussed the status of the work being completed by Acton T.V. in regards to the time limitations set out in their franchise.

2. Mayor Nielson and Council Member Max Bennett reported that they had met with the police department Friday, January 29 regarding the needs of that department. A list of equipment has been prepared by Officer Scott Corry for council's review. Council Member Bennett requested time to review the list and specify the priority of need before any council action is taken. Council Member Bird MOVED the matter be tabled until such time as Council Member Bennett has had time to review the list. The motion was SECONDED by Council Member Hanse. MOTION CARRIED.

3. A resolution appointing Council Member Max Bennett as the City Representative to purchase supplies from the Utah State Surplus Property Agency was presented to the council for their review and consideration of adoption. Council Member Hansen MOVED the above mentioned appointment be approved. The motion was SECONDED by Council Member Morrison. The motion carried.

4. Council Member Morrison told council there was a meeting scheduled to be held in Salt Lake City for all Fire Department Chief's and stated that Bryce Ashby has requested council's approval to attend and to use the Fire Department Car for the trip. Council Member Morrison MOVED Council approve the expenditure for the meeting and the use of the Fire Department car. The motion was SECONDED by Council Member Bennett and received the unanimous affirmative vote of all council members present.

5. Council Member Bird explained to the council a meeting regarding treatment plants for sewer departments was going to be held on the 3rd and 4th of February in Tooele and requested Superintendent Forster be scheduled to attend the meeting. Council Member Bird MOVED Superintendent Forster be scheduled for the meeting. The motion was SECONDED by Council Member Morrison. Motion carried.

6. John Quick gave a status report on the water and sewer improvements project. A copy of the study will be given to each council member during the week for their review. It was to be placed on the February 01, 1982 Council meeting agenda for discussion.

Mayor Nielson suggested a decision by the council regarding the hiring of a City Administrator be made as soon as possible. Council Member Bird MOVED council go into a closed session for the purpose of discussing the hiring a

AAG923

of a City Administrator for Delta City. The motion was SECONDED by Council Member Morrison. A roll call vote was taken as follows:


Max Bennett	Aye
Don Bird	Aye
Don Dafoe	Aye
Ruth Hansen	Aye
Willis Morrison	Aye


The council moved into the closed session at 10:05 p.m.

Council re-convened into open session at 11:15 p.m.

Mayor Nielson stated for the record that during a closed session a MOTION was made by Council Member Bennett to hire Vance Bishop as the Delta City Administrator with a salary of \$22,400.00 per year. The motion was SECONDED by Council Member Bird and received the unanimous affirmative vote of all council members.

Mayor Nielson asked if there were any further questions or comments. There being none, Council Member Morrison. Meeting adjourned at 11:50 p.m.


Grant S. Nielson, Mayor


Dorothy Jeffery, City Recorder

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD FEBRUARY 01, 1982

PRESENT:

Grant S. Nielson	Mayor and presiding
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT:

Dorothy Jeffery	City Recorder
Neil Forster	Public Works Superintendent

OTHERS PRESENT:

Warren Peterson	City Attorney
John Quick	City Engineer
Alan Christensen	City Resident
Ray W. Little	City Resident
Mike and Cyndi Robison	City Residents
Jim and Vicki Thomas	City Residents
Jim Wright	City Resident
Gayle Bunker	Bunker and Sons Construction
Pat Manis	Manis-Leavitt Insurance